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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,652	04/29/2009	Arno Schubert	PF040001	5465
24498 7590 09/30/2010 Robert D. Shedd, Patent Operations THOMSON Licensing LLC P.O. Box 5312 Princeton, NJ 08543-5312			EXAMINER MAHONEY, CHRISTOPHER E	
			ART UNIT 2862	PAPER NUMBER
			MAIL DATE 09/30/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/585,652	Applicant(s) SCHUBERT ET AL.	
	Examiner Christopher E. Mahoney	Art Unit 2862	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 9, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>Jul 2006</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on January 7, 2004. It is noted, however, that applicant has not filed a certified copy of the French application as required by 35 U.S.C. 119(b).

### ***Claim Objections***

Claim 12 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 11. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Claim 12 recites a fourth rather than a third. This is an arbitrary distinguishing label since there is no third in claim 12.

The examiner recommends amending claim 12 to depend from claim 11 in order to overcome this objection.

Claim 9 is objected to because of the following informalities: The examiner notes that the applicant has amended the claims in order to remove reference numbers. Claim 9 still retains reference numbers 44, 50.. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-10 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Peterson (U.S. Pat. No. 7102820). Peterson teaches means of generating an image (DMD 350/1130); means of projecting the image (Lens system 340/1120) onto a screen (figs. 3, 11) the screen comprising a Fresnel lens (fig 10) said Fresnel lens including at least one first area comprising first prisms each first prism having a first side (30 annotated figure below) and a second side (32 annotated figure) which forms with a main axis an angle greater than that formed by the first side and the main axis AA, the second side of the first prism being designed to collimate (see R1 in annotated figure below), in line with the main axis an incident ray from said projection means, said Fresnel lens having symmetry of revolution about said main axis (circular Fresnel lens, also see fig. 6), wherein said Fresnel lens includes one second area comprising second prisms each second prism having a first side (34) and a second side (38) which forms with a main axis an angle greater than that formed by the first side and the main axis the second side of the second prism being designed to transmit, in a first direction (R2) different from the main axis an incident ray from said projection means.

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While it is understood that the light exiting the Fresnel lens depicted in figure 10 ends up all collimated, the annotated figure below illustrates how the Peterson reference anticipates the claim language. R2 is divergent from the main axis.

Alternatively, the second prisms could be even lower (closer to the main axis) in the figure below. Regarding claims 9 and 10, if the second prisms are in the lower portion of Transition zone 1010, then the second prisms are working in a refractive mode.

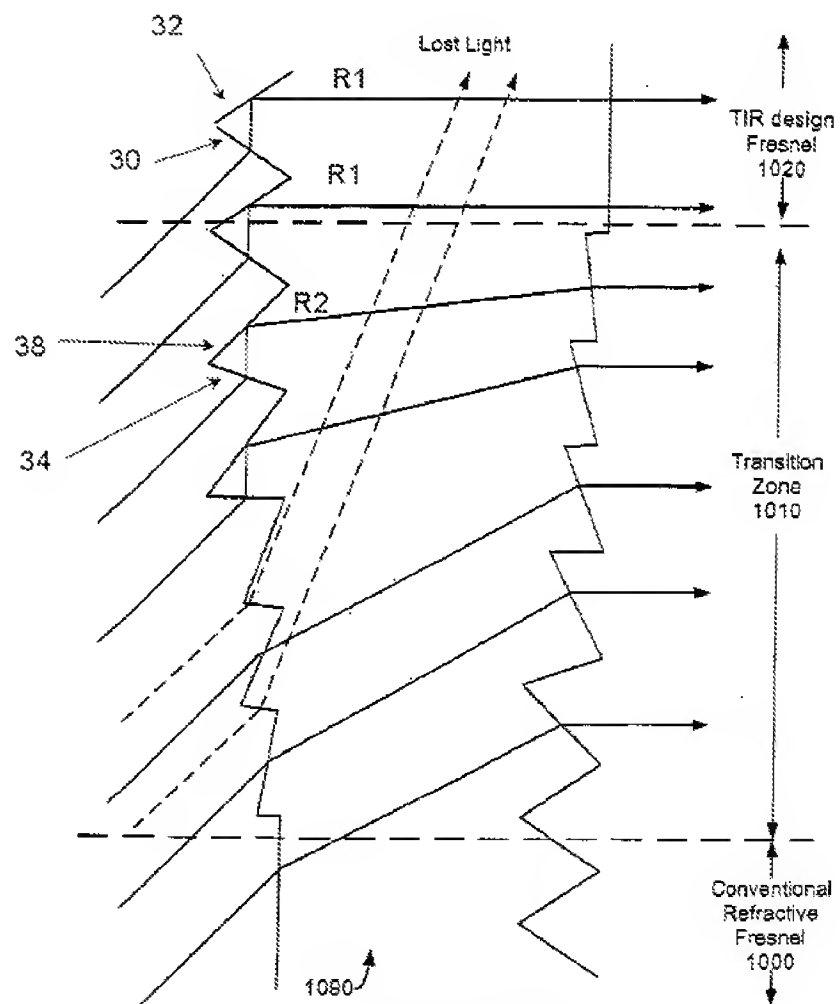


FIG. 10

AA

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of VanBreeman (U.S. Pat. No. 4452509). Peterson teaches the salient features of the claimed invention except for diffusion means. VanBreeman teaches that it was known to use diffusion means in conjunction with a Fresnel screen. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by VanBreeman for the purpose of creating a proper viewing angle.

The rejection of claims 4-5 under 35 USC 102 is considered valid. The following rejection is made in order to expedite prosecution.

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson. Peterson teaches the salient features of the claimed invention except for explicitly stating the angle between the first direction and the main axis. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize angles of between 1° and 10° or between 2° and 5° for the purpose of utilizing an optimum range. The applicant should note that it has been held that where the general working conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

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***Allowable Subject Matter***

Claims 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Clayton Laballe can be reached on (571) 272-1594. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher E Mahoney/  
Primary Examiner, Art Unit 2862